



NCTA

NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION

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November 9, 2004

EX PARTE

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: WC Docket No. 04-36, WC Docket No. 03-211

Dear Ms. Dortch:

On Monday, November 8, 2004, Howard Symons from the law firm of Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, Neal Goldberg, NCTA general counsel, and I responded to a request from Dan Gonzalez, Senior Legal Advisor to Commissioner Kevin J. Martin, regarding equipment used to connect a cable Voice over Internet Protocol ("VoIP") call to the cable network. In a telephone conversation with Mr. Gonzalez, we reported that cable companies use IP-enabled customer premises equipment located inside the customer's dwelling to provide VoIP service.

Please contact the undersigned at 202-775-3664 if any question should arise in connection with this communication.

Sincerely,

/s/ Daniel L. Brenner

Daniel L. Brenner

cc: D. Gonzalez